

**FINISHED LAST
IN FIELD OF FOUR**

Graziallo, a Two-to-Five Shot,
Makes Very Poor Showing
on Benning's Track.

THE RIDING OF WILLIE SHAW

D'Arkle, Only Favorite to Score,
Won Handicap for Two-
Year-Olds.

(By Associated Press.)

WASHINGTON, D. C., Nov. 23.—Willie Shaw's riding was the only feature at Benning's today. Of five mounts he rode three winners, one second and a third horse. D'Arkle, the only favorite to score, won the handicap for two-year-olds handily by two lengths. The surprise of the day was the defeat of Graziallo, a two-to-five shot, who finished last in a field of four. Summaries:

First race—handicap, two-year-olds, six furlongs—D'Arkle (1 to 10) first, Blue Coat (12 to 1) second, Fox (3 to 1) third. Time, 1:15.

Second race—selling, three-year-olds and up, seven furlongs—Queen Elizabeth (2 to 1) first, King Pimper (3 to 1) second, Green Crab (5 to 1) third. Time, 1:20 1/2.

Third race—selling, two-year-olds, six furlongs—Pamercetti (2 to 1) first, Gold Leaf (1 to 6) second, Monocroquet (3 to 1) third. Time, 1:15 1/2.

Fourth race—three-year-olds and up, one mile—Stolen Moments (3 to 1) first, Proceed (12 to 1) second, Brooklynite (7 to 1) third. Time, 1:41 3/4.

Fifth race—handicap, three-year-olds and up, one mile and seventy yards—Sly Bridge (3 to 1) first, Nitt White (7 to 1) second, Ruby Hempstead (20 to 1) third. Time, 1:47.

Entries for To-day.

First race—five furlongs, maiden two-year-olds—Golden Sunrise, Yeoman, Limerick, Hawtrey, 100; Crittall, Edith Brown, 100; Knight of Western, Grand Duchess, Annie Russell, Little Buttercup, Bohemia, Paldumphy, Lizzie, Albertus, Cabin, Thorold, Madam Satan, Auction, 100.

Second race—selling, three-year-olds and up, seven furlongs—Memphis, Hatchell, McWilliams, Fairbury, Redhook, Neptunus, Nine Spot, Silver Fox, Payne, 100; Fox, Kane, 100; Clear the Arena, 95; Locket, 100; Silver Days, 90; Cedar Rapids, 90; Dr. Loder, 80; American, 80; Mary Worth, 100; Charter, 100; Monocroquet, 90; M. P. Turner, 100; Black Socks, 100.

Third race—three-year-olds and up, one mile and a half miles—Imperialist, 125; Billy Ray, Black Death, Silent Bliss, R. D. Sack, Conroy, 100; Steeplechase, about two and a half miles—Imperialist, 125; Billy Ray, Black Death, Silent Bliss, R. D. Sack, Conroy, 100; Steeplechase, about three miles—Layover, 100; Woolgatherer, 100; Charles O'Connell, 100; Wonders, 100; King Carter, 100; Pagan Boy, 140; Billy Ray, 140; Ivan, 140; Howard Gray, 140; Opener, 130; Vesting, 130; R. D. Sack, Silent Bliss, 130; Thorold, 130; Percen, 130.

Fifth race—Washington cup, two and a quarter miles—Layover, 100; Woolgatherer, 100; Charles O'Connell, 100; Wonders, 100; King Carter, 100; Pagan Boy, 140; Billy Ray, 140; Ivan, 140; Howard Gray, 140; Opener, 130; Vesting, 130; R. D. Sack, Silent Bliss, 130; Thorold, 130; Percen, 130.

At Cumberland Park.

(By Associated Press.)

NASHVILLE, TENN., Nov. 23.—But two favorites were successful at Cumberland Park to-day, and among the winning outsiders was Dartmouth. In the fifth race, quoted at 10 to 1, Dartmouth won by a neck. Summaries:

First race—five furlongs—Korea (1 to 2) first, Florio (13 to 1) second, Lamplight (2 to 1) third. Time, 1:12 1/2.

Second race—six furlongs—April Shower (6 to 1) first, Benvenuto (7 to 2) second, Glendon (7 to 1) third. Time, 1:15 1/2.

Third race—three furlongs—Kink (5 to 1) first, Annie Hodge (11 to 5) second, Ice-water (2 to 1) third. Time, 1:14.

Fourth race—three furlongs—Lida (7 to 1) first, Florence Fonso (7 to 1) second, Lattonham (9 to 2) third. Time, 1:13 1/2.

Fifth race—three furlongs—Weberfield (16 to 1) second, Omecia (16 to 1) third. Time, 1:15 1/2.

Sixth race—one mile—Bank Street (16 to 1) first, Matilda (6 to 1) second, Bank Street (16 to 1) third. Time, 1:42 1/2.

Opening at New Orleans To-day.

(By Associated Press.)

NEW ORLEANS, Nov. 23.—The opening of the new Orleans City Jockey Club's meeting promises to be a record-breaker. The inaugural handicap, the feature of the program, has a field of fourteen very high-class horses and the weights have been so adjusted as to make it a hard problem to solve. The weather is clear and sunny and the track lightning fast.

**NELSON IN BETTER
SHAPE THAN CORBETT**

(Special to The Times-Dispatch.)

SAN FRANCISCO, November 23.—Many Chicago people visited Nelson yesterday. At Lakeside yesterday, most of them delegates to the Federation of Labor convention, found him in better shape than Corbett. Under the strain of the Chicagoan's blows, but a mattress taken all the while through the way and through the corner of a lighter opponent from a clinch.

Nelson worked off a lot of eastern energy on the morning of Nov. 23. He showed how his punching power has improved. That Nelson is in far better condition than Corbett at this stage of the game there is no question. The latter had eight pounds of hard flesh to take off this week, which is a mean task.

The betting has not begun as yet, but there is no doubt Corbett will be a strong favorite.

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Roger & Gallet's Soap, all odors, per cake 10c

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Sixth and Broad Streets.

**CRACK TROTTERS
GO TO FOREIGNERS**

**Idolita Sold to Prince Smith, of
Berlin, for \$4,450—Other
Sales.**

(Special to The Times-Dispatch.)

NEW YORK, November 23.—Foreign buyers took the pick of the trotters offered yesterday at the Packer-Tipton sale in Madison Square Garden. Acting for Prince Smith, of Berlin, Germany, E. L. Featherston paid \$4,450 for the bay stallion Idolita, 2:30 1/4, the highest price of the day. Brook's success in sending another European trotterman paid \$4,000 for the two-year-old trotting filly Rosabel, 2:34 1/4. These were the highest prices of the day.

Idolita was consigned to the sale by former first-commissioner John J. Scannell, who had been in the city for a number of years ago. Mr. Scannell campaigned Idolita in the grand circuit last season, but he was outclassed in the company of such great trotters as Tiverton, 2:04 1/2, and Sweet Marie, 2:04 1/4, and did not win a race. The horse is eight years old, and in his three-year-old form he was one of the big winners of the season, earning something like \$20,000 and winning a number of important races. He is the sire of Tiverton, a two-year-old that trotted in 2:37 3/4 last season. Idolita's new owner, who is one of the prominent trotting horse fanciers of Europe, will campaign the stallion in Germany and Austria before returning him to the States.

The four-year-old filly that brought \$4,000, is credited with a trial of 2:14 1/2 over the Lexington track during the season. She is the sister of Tiverton, who was consigned to the sale by W. H. McNeill, of the American Horse Shows Association, and George R. Sullivan, of Vienna, Hungary, and who formerly owned the horse. He was a member of the American Horse Shows Association, and he was a member of the American Horse Shows Association, and he was a member of the American Horse Shows Association.

Walter M. Jernyn, a wealthy young horse fancier from Scotland, paid \$2,100 one of the stars of yesterday's sale. This was the two-year-old bay colt Billings, credited with a record of 2:20 1/2 in 1903. He is the son of Senator Joseph W. Bailey, of Texas, and he is the son of Senator Joseph W. Bailey, of Texas, and he is the son of Senator Joseph W. Bailey, of Texas.

**ALDERMEN PROHIBIT
BIG SIX-DAY RACE**

(Special to The Times-Dispatch.)

NEW YORK, November 23.—A vote of forty-four to nine the Board of Aldermen yesterday passed a resolution prohibiting the projected six-day bicycle race "and all other contests of skill, speed or endurance" requiring the use of a bicycle. The race was scheduled to begin in Madison Square Garden on December 6th.

Efforts were made by Republican members of the Board to defeat the resolution, but they were without avail. Alderman Davies made the principal speech against the resolution. "I am astonished at action of this kind by Tammany Hall, which has always boasted of its stand for personal liberty," he said. "Why this is as bad as any of the blue laws of New England. I am opposed to it because it prevents the people from doing as they please when it does not interfere in any way with the rights of others."

No defense was made by Tammany members of the Board, and the only reply to the attacks of Alderman Goodman, Davies and Wirth, on the Republican side, was made by Alderman Joseph W. Bailey, of Texas, who declared that bicycle racing of all kinds should be stopped, and referred to the fact that his party had been defeated in the election.

The Board offered no explanation of their action, except that of the sponsor of the resolution, who declared that it was an exercise of the police power, and that it was an exercise of the police power, and that it was an exercise of the police power.

**COULD NOT HAVE
KILLED HIMSELF**

(Continued from First Page.)

marks on the second finger of Young's right hand and he stripped off pieces of skin which were turned over to the district attorney. The witness was not permitted to answer a question as to whether the black marks were by gun-powder.

The Black Marks.

Another question as to whether he found any indication of gun-powder when he examined Nan Patterson's hands soon after the shooting also met with an objection from the prosecution and the court directed the witness not to answer. At the conclusion of Dr. O'Hanlon's examination that part of his testimony, in which he said that he considered the case to be one of suicide and not homicide, when he performed the autopsy, was stricken from the record on motion of Mr. Rand. Counsel for the defense took an exception to the ruling of Justice Davis on this point.

Dr. Ernest Lederle, a chemist, who examined the two pieces of skin taken from Young's finger, said that he had been unable to determine the cause of the black spots. "Without a chemical test, I could not venture to say whether or not the spots were made by gun-powder," said Dr. Lederle. "I only examined them by a microscope."

Mr. Levy suggested that Dr. O'Hanlon be put on the stand and tell the jury what he saw. A black mark in the skin. Mr. Rand objected to the defense going on at this stage of the trial and also to calling Dr. O'Hanlon as an expert. "I have a man who extracted grains of powder from those pieces of skin," said Mr. Levy.

Justice Davis admonished the attorney to be more careful in his remarks and directed the jury to disregard the utterances of counsel regarding what it was claimed examination of the exhibit by others than the witness disclosed.

John Crowley, a cabman, said he was

**BENCH MUST NOT
BE ATTACKED**

Supreme Court Upholds Former
Judge Loving's Decision in
Burdett Case.

SAYS CARD WAS GROSS LIBEL

Judge Keith, in Able Opinion,
Scores Action of Plaintiff.
Other Decisions.

The Supreme Court handed down a batch of eighteen opinions yesterday, the most interesting of which perhaps is that by Judge Keith and concurred in by the other judges, affirming the judgment of the Circuit Court of Nelson county in the case of Burdett against the Commonwealth.

On October 30, 1903, the County Court of Nelson (Judge W. G. Loving) caused a rule to be issued against J. M. Burdett and M. J. Webb, to show cause why they should not be fined and imprisoned for contempt of court.

On November 6th, Burdett answered and demanded and asked that the case be determined by a jury. The demurrer and motion were overruled, and Burdett was added guilty of contempt and fined \$50 and sentenced to ten days in jail. A writ of error was obtained from the Circuit Court, but the judgment of the lower court was affirmed, whereupon a writ of error was obtained from one of the Supreme Court judges.

Case Reviewed.

Burdett kept a drug store at Covington and twelve indictments were returned against him for selling liquor without license. He pleaded guilty and was fined \$50 in one case and the costs in the other cases, amounting in all to \$150, which amount was paid.

On October 30, 1903, an article appeared in the Nelson County Times, signed by Burdett, in which he arraigned the conduct of the county judge in a "most serious and offensive manner," to use the language of Judge Keith, and in which he charged the judge with "gross libel."

"He charges the judge," says the opinion, "with not only having acted toward him in a harsh and arbitrary manner, but that his conduct was actuated by vicious and corrupt motives."

Gross Libel.

"There can, therefore, be no doubt," continues Judge Keith, "that the plaintiff in error was guilty of a gross and insulting libel, and it remains for us to consider whether in the judgment rendered by the County Court, punishing the act as a contempt, there was any error of law for which it should be reversed."

"The opinion then takes up the contents of the letter and finds that the contents of the letter had ended when the publication was made, and that the cases against him were ended and the fines paid before the alleged contempt was committed," and reviews them at great length. Case after case is cited and extracts are quoted to sustain the contention set out in the opinion that the plaintiff was in contempt, and in concluding this language is used:

On His Own Statement.

"Twelve indictments were found against the plaintiff in error for selling intoxicating liquors without a license. He claims in his card that he was innocent of the charge. He saw fit to plead guilty. He had the same opportunity that is afforded to any citizen to appear before the tribunals of his county and to make his defense. Upon his trial he could have appeared in person or by attorney. Everything pertinent to the case would have been given to the jury and the public. Instead of resorting to this means of vindicating his character he has chosen to plead guilty to the indictments against him, and to resort for his vindication to a defamatory criticism of the court, which rests upon his unsupported statement."

"Upon the whole case, we are of opinion that the judgment of the Circuit Court be affirmed."

THE SUMMARY.

List of Supreme Court Cases Recently Passed Upon.

The following is a summary of the other opinions handed down and of writs of error granted and refused:

By Judge James Keith (president):

Burdett vs. Commonwealth. From the Circuit Court of Nelson county. Affirmed.

Winner vs. Mitchell, et al. From the Circuit Court of Augusta county. Affirmed.

Hilton & Allen vs. Consumers' Can Company. From the Circuit Court of Botetown county. Affirmed.

Sprinkle vs. Rosenheim & Son. From the Circuit Court of Rockingham county. Reversed.

Andrews & Stone vs. Fidelity Loan and Trust Company. From the Circuit Court of city of Roanoke. Reversed.

Virginia and Southwestern Railway Company vs. Bailey. From the corporation Court of city of Bristol. Affirmed.

By Judge R. H. Cardwell:

Cummins, et al. vs. Beavers. From the Circuit Court of Taxoway county. Affirmed.

Barry, et al. vs. Richland, et al. From the Circuit Court of Rockingham county. Reversed.

Kinney, et al. vs. Craig, et al. From the Circuit Court of Augusta county. Reversed.

By Judge John A. Buchanan:

Jane Brothers and Company vs. Shenandoah county. Reversed.

Moore vs. Baltimore and Ohio Railroad Company. From the Circuit Court of Augusta county. Affirmed.

The American Agricultural Chemical Company vs. Kennedy & Crawford. From the Circuit Court of Augusta county. Affirmed.

Yost vs. Ramey, et al. From the Circuit Court of Rockingham county. Affirmed.

By Judge George M. Harrison:

Kline vs. Kline's creditors. From the Circuit Court of Rockingham county. Affirmed.

Triplet vs. Fauver, et al. From the Circuit Court of Augusta county. Affirmed.

Aray, et al. vs. Lindsay, et al. From the Circuit Court of Rockingham county. Reversed.

By Judge Stafford G. Whitler:

Williams, receiver, vs. Matthews. From the Circuit Court of Rockingham county. Affirmed.

Allogon, et al. vs. Augusta National Bank, et al. From the Circuit Court of Rockingham county. Affirmed.

Petitions for Writs of Error.

Campbell vs. Montello. From the Circuit Court of Shenandoah county. Writ of error granted. Bond \$100.

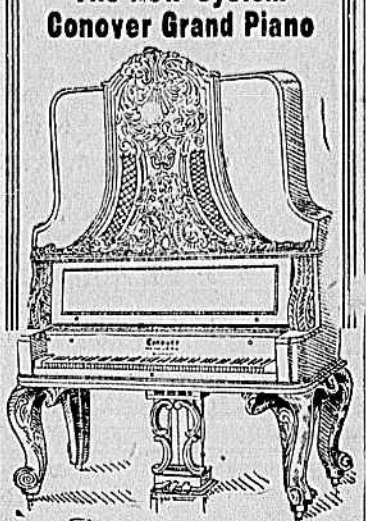
Wright's administrator vs. Chesapeake and Ohio Railway Company. From the Circuit Court of Bedford county. Writ of error granted. Bond \$100.

Labourauds, et al. vs. Chappelle, et al.

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als. From the Circuit Court of Rappahannock county. Appeal and supersedeas. Bond \$200.

Kloss vs. Commonwealth. From the Corporation Court of the city of Fredericksburg. Writ of error and supersedeas. Bond \$200.

Winder vs. Nock, et al. From the Circuit Court of Northampton county. Appeal and supersedeas. Bond \$100.

West vs. city of Newport News. From the Corporation Court of the city of Newport News. Writ of error and supersedeas. Bond \$200.

Foreman, for vs. &c. German Alliance Insurance Association. From the Circuit Court of Augusta county. Appeal and supersedeas. Bond \$150.

Onay, &c., vs. West Buena Vista Land Company, &c. From the Circuit Court of Rockbridge county. Appeal and supersedeas. Bond \$200.

Brant vs. Augusta Perpetual Building and Loan Company. From the Circuit Court of Rockbridge county. Appeal and supersedeas. Bond \$200.

Tuma vs. Co-operative Colonization Association. From the Circuit Court of Hanover county. Writ of error. Bond \$200.

Peter Hagan vs. city of Richmond. From the Circuit Court of city of Richmond. Writ of error and supersedeas. Bond \$200.

Sands, trustee, et al. vs. Stagg, et al. From the Chancery Court of city of Richmond. Appeal and supersedeas. Bond \$200.

Merriman vs. Cowin, et al. From the Circuit Court of Giles county. Writ of error and supersedeas. Bond \$2,500.

Frank Sons vs. Gump. From the Corporation Court of city of Bristol. Writ of error. Bond \$200.

Eight vs. Ashby, receiver. From the Corporation Court of city of Newport News. Writ of error and supersedeas. Bond \$100.

Stokes's administrator vs. Southern Railway Company. From the Circuit Court of Lunenburg county. Writ of error and supersedeas. No bond.

Dunn, et al. vs. Stowers, et al. From the Circuit Court of Blaine county. Appeal and supersedeas. Bond \$300.

Newport News Publishing Company vs. Beaumeister. From the Circuit Court of city of Newport News. Writ of error and supersedeas. Bond \$200.

Shuldes & Wood vs. Watters & Sterling. From the Circuit Court of city of Norfolk. Writ of error refused.

City of Manchester vs. State Corporation Commission, et al. From the Circuit Court of city of Richmond. Writ of error refused.

Martin vs. Gayle. From the Circuit Court of Henrico county. Appeal refused.

Wilson vs. Turner's administrator. From the Circuit Court of Franklin county. Appeal refused.

Manchesters Taxes.

I am now ready to receive the last half of the CITY, SCHOOL and SEWER TAX for 1904, also the STATE TAXES for that year. Those who have paid the first half of the city taxes, July 1st, should pay the last half by December 1st, to avoid 6 per cent. penalty on that half, and those who have paid none can save 5 per cent. penalty on the total half by paying the whole by December 1st. There will be added 5 per cent. on all taxes. State, City, School and Sewer, unpaid after December 1st.

Manchesters Taxes.

J. W. BRONAUER, JR.,
Treasurer City of Manchester.

TAX NOTICE

J. C. Gilliam, treasurer, will be at Jones & Clements' Store, Swanboro, on 22d, 23d and 24th of November to collect taxes for Chesterfield county for year 1904. On the 1st of December 5 per cent. penalty will be added to all bills not paid.

Office of The Mayor, The City Hall, Richmond, Va., Nov. 23, 1904.

HIS EXCELLENCY, THE GOVERNOR

of the Commonwealth of Virginia, has made proclamation of THURSDAY, November 24, 1904, as a day of Thanksgiving, business will be suspended in all departments of the City Government on that day.

Heads of Departments will determine what work must of necessity be done in their several departments, and all other work will cease for the day.

CAULTON MCCARTHY, Mayor.

Nov 23-31

Old Dominion Steamship Co., Richmond, Va., Nov. 23, 1904.

CLOSED THURSDAY, NOVEMBER 24th.—The freight warehouse of this company will be closed on Thursday, November 24th (THANKSGIVING DAY). No freight will be received or delivered on FRIDAY. FREIGHT will be delivered from 8 to 10 o'clock A. M.

JOHN F. MAZUR, Agent.

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before it's too late by taking DR. DAVID'S COUGH SYRUP of Pure Pine Apple, Horehound, Wild Cherry, etc. Northern berries for Coughs, Colds, Croup, Consumption and All Throat and Lung Troubles. Thousands of Richmond people can tell you of its virtues. The genuine is sold in large bottles for

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at 4 o'clock P. M., the property located as above. The lot has a front of 25 feet on the south side of Canal Street, by the depth of 182 feet. Owing to the convenient location of the property, you will find it to be a ready rent getter.

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AUCTION SALES, Future Days